



Atty. Dkt. No 018767-0239

IPW/SH
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Stephen M. ACKERMAN, et al.

Title: Strawberry Plant Named 'PS-2880'

Appl. No.: 10/678,063

Filing Date: October 6, 2003

Examiner: Michelle R. KIZILKAYA

Art Unit: 1661

Allowed: March 24, 2004

PETITION UNDER 37 C.F.R. § 3.81(b)

MAIL STOP: PETITIONS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

1. Applicants, through the undersigned attorney, hereby petition the Commissioner to issue the allowed above-captioned application to the Assignees:

PLANT SCIENCES, INC.

and

BERRY R & D, INC.

2. Applicants paid the Issue Fee and Publication Fee for this application on June 10, 2004. A copy of the date-stamped filing receipt evidencing filing of same is attached herewith. Applicants inadvertently failed to file the PTOL-85, and therefore, the proper Assignees were not properly identified.

3. A copy of the Notice of Recordation of Assignment Document dated May 12, 2004, is attached herewith, together with a copy of the Form PTO-1595 and the Assignment filed on October 6, 2003. The Notice of Recordation of Assignment Document indicates that the Assignment was recorded on October 6, 2003, at Reel 014598, Frame 0867.

3. Under 37 C.F.R. § 1.17(i), a check for the statutory filing fee of \$130.00 is attached.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date

July 13, 2004

FOLEY & LARDNER LLP

Customer Number: 22428

Telephone: (202) 672-5483

Facsimile: (202) 672-5399

By

Richard C. Peet

Richard C. Peet

Attorney for Applicant

Registration No. 35,792